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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,675	12/05/2003	Stephen E. Terry	I-2-0465.1US	3181

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EXAMINER
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MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,675	TERRY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Moore, Jr.	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,10,13-19,22,23,30,35,36,39-48 and 51 is/are rejected.
- 7) ☒ Claim(s) 3-8,11,12,20,21,24-29,31-34,37,38,49 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 9 is objected to because of the following informalities: On line 10, the word "to" is missing between the words "update" and "the". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 9, 10, 13, 14-19, 22, 23, 30, 35, 36, 39-48 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkkinen et al. (US 2004/0137885). The Sarkkinen et al. reference teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim 1, "A method employed by a CRNC and a SRNC for allocating capabilities to a WTRU for point-to-point and point-to-multipoint services" is anticipated by the method shown in Figure 1. The CRNC conveying communication capabilities obtained from the WTRU to the SRNC is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on page 4, paragraph 44. Lastly, the SRNC allocating

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capabilities responsive to a desired service and conveying the allocations to the CRNC is anticipated by the activation of the MBMS indications in step 13 of Figure 1 and spoken of on page 4, paragraph 45.

Regarding claims **2, 10, 23 and 36**, the CRNC providing point-to-multipoint service to the WTRU employing capabilities provided by the SRNC is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1.

Regarding claim **9**, "A method for controlling point-to-point and point-to-multipoint services in wireless communications wherein at least one WTRU is capable of communications with a plurality of cells, each cell having a CRNC and a SRNC" is anticipated by the method shown in Figure 1. The WTRU selecting one of the cells and providing the CRNC of the one of the cells with a cell update identifying capabilities of the WTRU is anticipated by the MBMS notification step 7 between user equipment (UE) and the CRNC shown in Figure 1. The CRNC of the one cell providing the cell update to the SRNC of the one cell is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on page 4, paragraph 44. The SRNC of the one cell confirming the cell update of the WTRU to the CRNC of the one cell and upon activation of point-to-multipoint service, conveying capabilities of the WTRU to be allocated for point-to-multipoint service is anticipated by the p-t-p vs. p-t-m channel type selection step 11 as well as the activation of the MBMS indications step 13, both shown in Figure 1.

Regarding claims **13 and 39**, the SRNC of one cell confirming a cell update directly to the WTRU responsive to receipt of a cell update from the

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CRNC of the one cell is anticipated by URA update confirm step 8b from SRNC to UE shown in Figure 1 and spoken of on page 4, paragraph 44.

Regarding claim **14**, "A method for enhancing point-to-point and point-to-multipoint services provided to a WTRU by a cell having a SRNC and a CRNC" is anticipated by the method shown in Figure 1. The SRNC initiating a radio link setup request with the CRNC responsive to a handover condition is anticipated by the radio resource control (RRC) Connection 1 of Figure 1. The CRNC providing the SRNC with point-to-point resources, responsive to the RL setup request is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The SRNC instructing the CRNC to activate point-to-multipoint capabilities is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The CRNC providing confirmation to the SRNC activation instruction is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12. Lastly, the SRNC providing a handover request to the WTRU is anticipated by the activation of the MBMS indications step 13 of Figure 1.

Regarding claims **15 and 42**, where the CRNC initiates point-to-multipoint service is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1.

Regarding claim **16**, "A method for enhancing point-to-point and point-to-multipoint services provided to a wireless WTRU by a cell having a CRNC and an SRNC" is anticipated by the method shown in Figure 1. The SRNC initiating a radio link setup request with the CRNC responsive to a handover condition is anticipated by the radio resource control (RRC) Connection 1 of Figure 1. The

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CRNC acknowledging the RL setup request and establishing point-to-multipoint capabilities is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The SRNC conveying a handover request to the WTRU responsive to said acknowledgement is anticipated by the activation of the MBMS indications step 13 of Figure 1. Lastly, initiating point-to-multipoint service to the WTRU is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1.

Regarding claims **17 and 43**, the SRNC stores capabilities of the WTRU and conveys the stored capabilities to a CRNC that will communicate with the WTRU responsive to a handover is anticipated by the UE specific information stored in SRNC spoken of on page 1, paragraph 9 as well as the MBMS UE active list step 10 of Figure 1.

Regarding claim **18**, "A method for establishing point to multipoint service for at least one WTRU entering a cell having a CRNC and an SRNC" is anticipated by the method shown in Figure 1. The WTRU providing a cell update to the cell is anticipated by URA update 8a from UE to SRNC shown in Figure 1 and spoken of on page 4, paragraph 42. The CRNC informing the SRNC responsive to the WTRU's cell update is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on page 4, paragraph 44. Lastly, the SRNC confirming the cell update to the WTRU is anticipated by URA update confirm step 8b shown in Figure 1 and spoken of on page 4, paragraph 44.

Regarding claim **19 and 48**, the WTRU providing transport and physical processing capabilities is anticipated by the MBMS notification step 7 between user equipment (UE) and the CRNC shown in Figure 1.

Regarding claim **22**, "Apparatus for allocating capabilities for point-to-point and point-to-multipoint services" is anticipated by the system described in Figure 1. A CRNC with means for conveying communication capabilities obtained from a WTRU to a SRNC is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on page 4, paragraph 44. Lastly, a SRNC with means for allocating capabilities responsive to a desired service and means for conveying the allocations to the CRNC is anticipated by the activation of the MBMS indications in step 13 of Figure 1 and spoken of on page 4, paragraph 45.

Regarding claims **30, 40, 44, 46 and 51**, the SRNC with means for servicing a plurality of CRNCs is anticipated by a context for each CRNC within a MBMS service area as spoken of on page 1, paragraph 6.

Regarding claim **35**, "Apparatus for controlling point-to-point and point-to-multipoint services in wireless communications" is anticipated by the system described in Figure 1. A WTRU with means for selecting a new cell and means for providing a CRNC in the new cell with a cell update identifying capabilities of the WTRU is anticipated by the MBMS notification step 7 between user equipment (UE) and the CRNC shown in Figure 1. The CRNC with means for providing the cell update to a SRNC is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on



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page 4, paragraph 44. Lastly, the SRNC with means for confirming the cell update of the WTRU to the CRNC and means for conveying capabilities of the WTRU to be allocated for point-to-multipoint service responsive to activation of point-to-multipoint service is anticipated by the p-t-p vs. p-t-m channel type selection step 11 as well as the activation of the MBMS indications step 13, both shown in Figure 1.

Regarding claim **41**, "Apparatus for enhancing point-to-point and point-to-multipoint services provided to a WTRU" is anticipated by the system described in Figure 1. A SRNC with means to initiate a radio link setup request with a CRNC responsive to a handover condition is anticipated by the radio resource control (RRC) Connection 1 of Figure 1. The CRNC with means for providing the SRNC with point-to-point resources, responsive to the RL setup request is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The SRNC with means for instructing the CRNC to activate point-to-multipoint capabilities is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The CRNC with means for providing confirmation to the SRNC activation instruction is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12. Lastly, the SRNC with means for providing a handover request to the WTRU is anticipated by the activation of the MBMS indications step 13 of Figure 1.

Regarding claim **45**, "Apparatus for enhancing point-to-point and point-to-multipoint services provided to a WTRU" is anticipated by the system described in Figure 1. A SRNC with means for initiating a radio link setup request with a

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CRNC responsive to a handover condition is anticipated by the radio resource control (RRC) Connection 1 of Figure 1. The CRNC with means for acknowledging the RL setup request and establishing point-to-multipoint capabilities is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1. The SRNC with means for conveying a handover request to the WTRU responsive to the acknowledgement is anticipated by the activation of the MBMS indications step 13 of Figure 1. Lastly, the CRNC with means for initiating point-to-multipoint service is anticipated by the p-t-p vs. p-t-m channel type selection step 11 of Figure 1.

Regarding claim 47, "Apparatus for establishing point-to-multipoint service for at least one WTRU entering a cell" is anticipated by the system described in Figure 1. The WTRU with means for providing a cell update in the cell is anticipated by URA update 8a from UE to SRNC shown in Figure 1 and spoken of on page 4, paragraph 42. A CRNC with means for informing a SRNC in the cell of the update, responsive to the WTRU's cell update is anticipated by the MBMS configuration information sent from CRNC to SRNC in step 12 of Figure 1 and spoken of on page 4, paragraph 44. Lastly, the SRNC with means for confirming the cell update to the WTRU responsive to the CRNC is anticipated by URA update confirm step 8b shown in Figure 1 and spoken of on page 4, paragraph 44.

***Allowable Subject Matter***

4. Claims 3-8, 11, 12, 20, 21, 24-29, 31-34, 37, 38, 49, and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims **3, 11, and 37**, the prior art of record fails to explicitly teach the activation of point-to-multipoint and point-to-point service simultaneously based upon the allocated capabilities provided by the SRNC.

Regarding claims **4 and 5**, these claims are further limiting to claim **3** and are thus also allowable over the prior art of record.

Regarding claims **6, 12, 27, and 38**, the prior art of record fails to explicitly teach the activation of point-to-multipoint service and termination of point-to-point service based upon the allocated capabilities provided by the SRNC.

Regarding claim **7**, this claim is further limiting to claim **6** and is thus also allowable over the prior art of record.

Regarding claims **8 and 29**, the prior art of record fails to explicitly teach the prevention of point-to-multipoint and point-to-point service simultaneously based upon the allocated capabilities provided by the SRNC.

Regarding claims **20 and 49**, the prior art of record fails to teach providing cell transport capabilities comprising a number of transmitted bits per frame and a number of different combinations of bits allowed.

Regarding claims **21 and 50**, the prior art of record fails to teach providing physical processing capabilities comprising number and types of physical channels and parameters of allowed spreading factors.

Regarding claims **24 and 25**, these claims are further limiting to claim **22** and are thus also allowable over the prior art of record.

Regarding claim **28**, this claim is further limiting to claim **27** and is thus also allowable over the prior art of record.

Regarding claim **31**, the prior art of record fails to teach means to notify the CRNC to discontinue point-to-multipoint service and means to activate point-to-point service.

Regarding claims **32, 33 and 34**, these claims are further limiting to claim **31** and are thus also allowable over the prior art of record.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Widegren et al. (U.S. 6,374,112), Chen et al. (US 2002/0090940), Sarkkinen (US 2004/0127243), Sarkkinen et al. (U.S. 6,701,155), Koulakiotis et al. (US 2004/0081192), and Willenegger et al. (US 2003/0207696) are all references that contain material pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (703) 305-8703. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (703) 308-5463. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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mjm MM

  
**FRANK DUONG**  
**PRIMARY EXAMINER**

Michael J. Moore, Jr.  
Examiner  
Art Unit 2666